1   SENATE BILL NO. 230

2   INTRODUCED BY J. BALYEAT

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4   A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A CANDIDATE TO BE NOMINATED BY MORE THAN

5   ONE PARTY; PROVIDING THAT IN A GENERAL PARTISAN ELECTION, THE NAME OF A CANDIDATE

6   NOMINATED BY MORE THAN ONE PARTY MUST APPEAR ON THE BALLOT ONCE FOR EACH PARTY

7   REPRESENTED BY THE CANDIDATE; PROVIDING THAT ALL VOTES FOR A MULTIPARTY CANDIDATE

8   IN A GENERAL ELECTION BE TOTALED TO DETERMINE THE WINNER; AMENDING SECTIONS 13-10-201

9   AND 13-12-203, MCA; AND REPEALING SECTION 13-10-303, MCA."

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11   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13   NEW SECTION. **Section 1. Counting votes for candidate nominated by more than one party.** In

14   a general election, votes for an individual whose name appears on the ballot more than once, as provided in

15   13-12-203, including votes cast for the individual as a write-in candidate, must be totaled. The aggregate number

16   of votes received by the individual, irrespective of party affiliation, must be used in determining the winner of the

17   election.

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19   **Section 2.** Section 13-10-201, MCA, is amended to read:

20   **"13-10-201. Declaration for nomination.** (1) Each candidate in the primary election, except

21   nonpartisan candidates filing under the provisions of chapter 14, shall file a declaration for nomination with the

22   secretary of state or election administrator. A candidate may not file for more than one office. Each candidate

23   for governor shall file a joint declaration for nomination with a candidate for lieutenant governor.

24   (2) A declaration for nomination must be filed in the office of:

25   (a) the secretary of state for placement of a name on the ballot for the presidential preference primary,

26   a congressional office, a state or district office to be voted for in more than one county, a member of the

27   legislature, or a judge of the district court;

28   (b) the election administrator for a county, municipal, precinct, or district office (other than a member

29   of the legislature or judge of the district court) to be voted for in only one county.

30   (3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of

1   an indigent candidate, send with it the documents required by 13-10-203. The declaration for nomination must

2   be acknowledged by an officer empowered to acknowledge signatures or by the officer of the office at which the

3   filing is made.

4   (4) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by

5   the elector's party. ~~For a partisan election, an elector may not file a declaration for more than one party's~~

6   ~~nomination.~~

7   (5) (a) The declaration for nomination must be in the form and contain the information prescribed by

8   the secretary of state.

9   (b) A person seeking nomination to the legislature shall provide the secretary of state with a street

10   address, legal description, or road designation to indicate the person's place of residence. If a candidate for the

11   legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state

12   on a form prescribed by the secretary of state.

13   (c) The secretary of state and election administrator shall furnish declaration for nomination forms to

14   individuals requesting them.

15   (6) Declarations for nomination must be filed no sooner than 135 days before the election in which the

16   office first appears on the ballot and no later than 5 p.m.~~,~~ 75 days before the date of the primary election.

17   (7) A declaration for nomination form may be sent by facsimile transmission, if a facsimile facility is

18   available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the

19   election administrator or to the secretary of state."

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21   **Section 3.** Section 13-12-203, MCA, is amended to read:

22   **"13-12-203. Appearance of candidate's name and party designation on ballot.** (1) <u>(a)</u> Subject to

23   13-12-202 and except as provided in 13-10-209 ~~for nonpartisan offices and 13-10-303 for certain other~~

24   ~~candidates~~, in partisan elections, candidates' names must appear under the title of the office sought, with the

25   name of the party in not more than three words appearing opposite the name.

26   <u>(b) In a general partisan election, if an individual is a candidate representing more than one party, the</u>

27   <u>individual's name must appear once for each party for which the individual is the nominated candidate.</u>

28   (2) Subject to 13-12-202, in nonpartisan elections, the candidates' names must appear under the title

29   of the office sought, with no description or designation appearing with the name unless partisan and nonpartisan

30   offices appear on the same ballot. In such a case, the names of nonpartisan candidates must appear with the

1   words "Nominated without party designation"."

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3   <u>NEW SECTION.</u> **Section 4. Repealer.** Section 13-10-303, MCA, is repealed.

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5   <u>NEW SECTION.</u> **Section 5. Codification instruction.** [Section 1] is intended to be codified as an

6   integral part of Title 13, chapter 15, part 2, and the provisions of Title 13, chapter 15, part 2, apply to [section 1].

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